

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
KENNETH MORO,

Plaintiff,

: INDEX NO. 08-CV-1119 (KMK)

-against-

THE PRUDENTIAL INSURANCE  
COMPANY OF AMERICA,

Defendant.

:  
**NOTICE OF MOTION TO WITHDRAW  
AS COUNSEL PURSUANT TO LOCAL  
CIVIL RULE 1.4**

----- X

**PLEASE TAKE NOTICE THAT** Morgan, Lewis & Bockius, LLP, attorneys for  
Defendant Prudential Insurance Company of America, shall move before the Honorable Kenneth  
M. Karas, U.S.D.J. at a date and time to be set by the Court for an Order seeking leave pursuant  
to Local Civil Rule 1.4 to withdraw as counsel of record for Defendant The Prudential Insurance  
Company of America in the above captioned matter with consent of Defendant The Prudential  
Insurance Company of America.

In support of this Motion, Morgan, Lewis & Bockius, LLP shall rely upon the Affidavit  
of Seth Ptasiewicz. A proposed form of Order is annexed hereto.

No oral argument is requested.

Dated: Philadelphia, Pennsylvania.  
July 16, 2008

Respectfully submitted,  
MORGAN, LEWIS & BOCKIUS LLP  
1701 Market Street  
Philadelphia, PA 19103-2921  
215.963.5000

By:s/Seth Ptasiewicz

Seth Ptasiewicz  
Attorneys for Defendant  
The Prudential Insurance Company of  
America

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
KENNETH MORO, :  
Plaintiff, : INDEX NO. 08-CV-1119 (KMK)  
-against- :  
THE PRUDENTIAL INSURANCE :  
COMPANY OF AMERICA, : ORDER ON MOTION TO WITHDRAW  
Defendant. : AS COUNSEL PURSUANT TO LOCAL  
: CIVIL RULE 1.4

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This matter having been opened to the Court on Motion of Morgan, Lewis & Bockius, LLP, attorneys for Defendant The Prudential Insurance Company of America, pursuant to Local Civil Rule 1.4 to withdraw as counsel of record for Defendant The Prudential Insurance Company of America in the above captioned matter; and Defendant The Prudential Insurance Company of America having consented to this request and retained new counsel D'Arcambal, Levine & Ousley, LLP; and good cause having been shown;

IT IS HEREBY ORDERED ON THIS \_\_\_\_\_ DAY OF JULY, 2008  
AS FOLLOWS.

1. The Motion of Morgan, Lewis & Bockius, LLP and its attorneys, Brian A. Herman, Esq., Ryan J. Cooper, Esq. and Seth Ptasiewicz, Esq., to withdraw as counsel of record for Defendant The Prudential Insurance Company of America is hereby granted.

SO ORDERED:

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HONORABLE KENNETH M. KARAS, U.S.D.J.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
KENNETH MORO, : INDEX NO. 08-CV-1119 (KMK)  
Plaintiff, :  
-against- : AFFIDAVIT IN SUPPORT OF MOTION  
THE PRUDENTIAL INSURANCE : TO WITHDRAW AS COUNSEL  
COMPANY OF AMERICA, : PURSUANT TO LOCAL CIVIL RULE  
Defendant. : 1.4

----- X

STATE OF PENNSYLVANIA )

COUNTY OF PHILADELPHIA) ss.

Seth Ptasiewicz, of full age, hereby swears under penalty of perjury as follows:

1. I am an associate with the law firm of Morgan, Lewis & Bockius, LLP, present counsel to Defendant The Prudential Insurance Company of America ("Prudential") with reference to the above-captioned matter. I am admitted to practice before this Court.

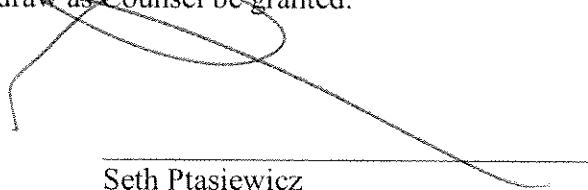
2. I submit this Affidavit of support of Morgan, Lewis & Bockius, LLP's Motion pursuant to Local Civil Rule 1.4 to withdraw as counsel of record to Prudential in this litigation concerning the denial of plaintiff's claim for Long Term Disability Benefits under a group disability policy governed by the Employee Income Retirement Security Act, 29 U.S.C. §1001, *et seq.*

3. The request to withdraw as counsel of record to Prudential came as a result of Prudential advising this firm that it wishes to substitute as its counsel of record the law firm of D'Arcambal, Levine & Ousley, LLP as reflected in the Consent to Change Attorney Form and Notice of Appearance electronically filed on behalf of Prudential with this Court and appended

hereto as **Exhibit A** and **Exhibit B**, respectively.

4. No prejudice will arise as a result of this firm's withdraw as counsel of record. I have informed Prudential and its new counsel the law firm of D'Arcambal, Levine & Ousley, LLP has been apprised of the status of this litigation and all pending deadlines.

5. Accordingly, the law firm of Morgan, Lewis & Bockius, LLP and its attorneys of record in this case, Brian A. Herman, Esq., Ryan J. Cooper, Esq. and Seth Ptasiewicz, Esq., respectfully request that the Motion to Withdraw as Counsel be granted.

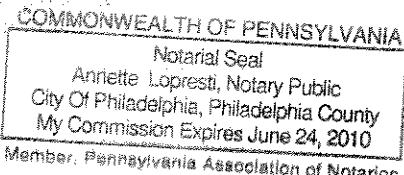


Seth Ptasiewicz

Sworn to before me this  
16<sup>th</sup> day of July, 2008



Annette Lopresti  
Notary Public



## **EXHIBIT A**



NYSD\_ECF\_Pool@nysd.uscourts.gov  
07/11/2008 04:36 PM

To deadmail@nysd.uscourts.gov  
cc  
bcc  
Subject Activity in Case 7:08-cv-01119-KMK Moro v. Prudential Insurance Company of America Notice of Substitution of Attorney

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

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**U.S. District Court**

**United States District Court for the Southern District of New York**

**Notice of Electronic Filing**

The following transaction was entered by Ousley, Jodie on 7/11/2008 at 4:36 PM EDT and filed on 7/11/2008

**Case Name:** Moro v. Prudential Insurance Company of America  
**Case Number:** 7:08-cv-1119  
**Filer:** Prudential Insurance Company of America  
**Document Number:** 10

**Docket Text:**

**NOTICE of Substitution of Attorney. Old Attorney: Seth Ptasiewicz, New Attorney: Jodie L. Ousley, Address: d'Arcambal Levine & Ousley, LLP, 40 Fulton Street, Suite 1005, New York, NY, USA 10038, (212) 971-3175. Document filed by Prudential Insurance Company of America. (Ousley, Jodie)**

**7:08-cv-1119 Notice has been electronically mailed to:**

Brian A. Herman bherman@morganlewis.com

Firas E. Nesheiwat fnesheiwat@hvc.rr.com

Ryan John Cooper rcooper@morganlewis.com

Seth Ptasiewicz sptasiewicz@morganlewis.com

**7:08-cv-1119 Notice has been delivered by other means to:**

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1008691343 [Date=7/11/2008] [FileNumber=4796740-0  
] [2607afcc47f2329172695579132be249056d95fd569a413363fe33e283518f7d546  
5aecaca8ca010aa3589e43728cd7dd257baa71915de40f9f07c1ad9e0e9a7]]

## **EXHIBIT B**



NYSD\_ECF\_Pool@nysd.uscourts.gov

07/15/2008 01:15 PM

To deadmail@nysd.uscourts.gov

cc

bcc

Subject Activity in Case 7:08-cv-01119-KMK Moro v. Prudential Insurance Company of America Notice of Appearance

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**U.S. District Court**

**United States District Court for the Southern District of New York**

**Notice of Electronic Filing**

The following transaction was entered by Ousley, Jodie on 7/15/2008 at 1:15 PM EDT and filed on 7/15/2008

**Case Name:** Moro v. Prudential Insurance Company of America

**Case Number:** 7:08-cv-1119

**Filer:** Prudential Insurance Company of America

**Document Number:** 11

**Docket Text:**

**NOTICE OF APPEARANCE by Jodie Leigh Ousley on behalf of Prudential Insurance Company of America (Ousley, Jodie)**

**7:08-cv-1119 Notice has been electronically mailed to:**

Brian A. Herman bherman@morganlewis.com

Firas E. Nesheiwat fnesheiwat@hvc.rr.com

Jodie Leigh Ousley jousley@darcambal.com

Ryan John Cooper rcooper@morganlewis.com

Seth Ptasiewicz sptasiewicz@morganlewis.com

Case 7:08-cv-01119-KMK Document 10 Filed 07/16/2008

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

KENNETH MORO,

Plaintiff,

-against-

THE PRUDENTIAL INSURANCE COMPANY OF  
AMERICA,

Defendant.

Index No.: 08-██████████-██████████-1

CONSENT TO ██████████ CH  
ATTORNEY

IT IS HEREBY CONSENTED that d'Arcambal Levine & Ousley, ██████████ LP,  
Street, Suite 1005, New York, NY 10038, be substituted as attorneys ██████████ for  
undersigned party in the above-entitled action in place and stead of the undersigned ██████████ gene  
of the date hereto.

Dated: July 10, 2008

THE PRUDENTIAL INSURANCE OF AMERICA

By: ██████████

Leonard A. Giusti ██████████  
Director and Corporate ██████████ coun

July 11, 2008

D'ARCAMBAL, LE VINE & ██████████ USL

By: ██████████

Jodie L. Ousley  
Incoming Attorneys

July 9, 2008

MORGAN, LEWIS & BOKAR, KLU

By: ██████████

Seth Ptasiewicz  
Outgoing Attorney

**CERTIFICATE OF SERVICE**

I hereby certify that on July 16, 2008, I electronically filed and served the annexed Notice of Motion to Withdraw as Counsel of Record together with the supporting papers on:

Firas E. Nesheiwat, Esq.  
303 Mill Street  
Poughkeepsie, New York 12601

I certify that the foregoing statement by me is true and that if not true I am subject to the penalty  
of perjury.

Seth Ptasiewicz